

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Julie Schultz,)	
Plaintiff,)	1:10-cv-4935
)	
v.)	
)	
Global Credit & Collection Corporation,)	JURY TRIAL DEMANDED
Defendant.)	

COMPLAINT

1. Plaintiff, Julie Schultz ("plaintiff"), brings this action to secure redress for unlawful debt collection practice engaged in by defendant Credit Collection Services in violation of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA").

JURISDICTION

2. This Court has jurisdiction under 28 U.S.C. §§ 1331 (federal question), and 15 U.S.C. §1692k (FDCPA).

3. Venue is appropriate because a substantial portion of the events that gave rise to this cause of action occurred here.

PARTIES

4. Plaintiff is an individual who resides in this District.

5. Global Credit & Collection Corporation ("GCCC") is a debt collection agency located in Williamsville, NY. Its registered agent in Illinois is CT Corporation System, 208 S. LaSalle Street, Suite 814, Chicago, Illinois 60604.

FACTS

6. GCCC called 773-853-0678, plaintiff's number at least 94 times from 11/4/09 to 11/28/09 in attempt to collect debt.

7. GCCC used an automatic telephone dialing system to dial at least some of the calls listed below. No human being dialed the digits to make the calls; a telephone system did.

8. GCCC called plaintiff at 773-853-0678 on the following dates and times:

9. Eight calls on Wednesday 11/4/2009 at the following times:

8:26
8:46
11:01
12:17
14:06
14:22
15:49
16:20

10. Six calls on Thursday 11/5/2009 at the following times:

8:22
8:44
12:33
12:56
14:38
14:54

11. Five calls on Friday 11/6/2009 at the following times:

10:01
10:46
15:28
18:47
19:07

12. One call on Saturday 11/7/2009 at the following time:

10:00

13. Two calls on Monday 11/9/2009 at the following times:

9:40
9:56

14. Six calls on Tuesday 11/10/2009 at the following times:
 - 8:46
 - 9:02
 - 12:54
 - 13:13
 - 15:03
 - 15:23
15. Four calls on Wednesday 11/11/2009 at the following times:
 - 10:17
 - 10:48
 - 14:49
 - 15:12
16. Seven calls on Thursday 11/12/2009 at the following times:
 - 8:25
 - 8:51
 - 12:41
 - 12:57
 - 13:14
 - 15:27
 - 15:42
17. Four calls on Friday 11/13/2009 at the following times:
 - 8:33
 - 8:49
 - 13:41
 - 13:59
18. Two calls on Saturday 11/14/2009 at the following times:
 - 8:30
 - 9:03
19. Two calls on Monday 11/16/2009 at the following times:
 - 9:50
 - 10:11
20. Six calls on Tuesday 11/17/2009 at the following times:
 - 8:25
 - 8:47
 - 12:50
 - 13:08
 - 15:28

15:45

21. Four calls on Wednesday 11/18/2009 at the following times:

9:17

9:36

16:43

17:07

22. Five calls on Thursday 11/19/2009 at the following times:

9:00

9:18

12:59

13:31

18:55

23. Six calls on Friday 11/20/2009 at the following times:

9:17

9:33

13:04

13:20

16:27

16:52

24. Four calls on Monday 11/23/2009 at the following times:

9:57

10:13

17:00

17:16

25. Seven calls on Tuesday 11/24/2009 at the following times:

8:52

11:36

11:55

13:35

13:54

15:52

16:30

26. Seven calls on Wednesday 11/25/2009 at the following times:

9:40

9:55

12:41

12:57

14:36

17:33

17:51

27. Six calls on Thursday 11/27/2009 at the following times:

8:58

9:14

12:35

12:51

16:14

16:29

28. Two calls on Friday 11/28/2009 at the following times:

9:17

9:52

29. Any debt GCCC was attempting to collect would have been incurred for personal, family or household purposes.

COUNT I - FDCPA

30. Plaintiff incorporates all previous paragraphs.

31. 15 U.S.C. §1692d(5) prohibits a debt collector from engaging in activities that within in the common course lead to annoy or harass:

A debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

(5) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

32. Further, 15 U.S.C. §1692f prohibits debt collectors from using unconscionable practices in attempts to collect debt:

A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.

33. Defendant's 94 phone calls within 25 days demonstrates that the defendant intended to annoy, abuse, and harass the plaintiff in defendant's attempt to collect debt, in violation of 15 U.S.C. § 1692d(5). *See Sanchez v. Client Services, Inc.*, 520 F. Supp. 2d 1149 (N.D. Cal. 2007).

34. The 94 phone calls to the plaintiff 25 days also constitutes unfair and unconscionable collection practices in violation of 15 U.S.C. § 1692f.

WHEREFORE, plaintiff requests this Honorable Court to enter judgment in favor of plaintiff and against defendant for:

- (1) Statutory damages;
- (2) Attorney's fees, litigation expenses and costs of suit; and
- (3) Such other relief as the Court deems proper.

Respectfully submitted,

Alexander H. Burke

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JURY DEMAND

Plaintiff demands trial by jury.

Respectfully submitted,

Alexander H. Burke

Document Preservation

Defendant is hereby directed to take affirmative steps to preserve all records and data concerning plaintiff, its phone message system and relating to any other facts alleged herein.

Alexander H. Burke